

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

KAMEL O'MEEK TERRELL, )  
                          )  
Petitioner,            )  
                          )  
v.                     ) 1:18CV651  
                          ) 1:14CR330-1  
UNITED STATES OF AMERICA, )  
                          )  
Respondent.            )

ORDER

On November 2, 2018, the United States Magistrate Judge's Recommendation was filed and notice was served on Petitioner pursuant to 28 U.S.C. § 636. Petitioner filed objections (Doc. 63) to the Recommendation within the time limit prescribed by Section 636. The court has reviewed Petitioner's objections *de novo* and finds they do not change the substance of the United States Magistrate Judge's Recommendation (Doc. 61), which is affirmed and adopted.

IT IS THEREFORE ORDERED that Petitioner's "Motion to Dismiss Indictment, Conviction and Sentence for Lack of Exclusive Legislative and Subject Matter Jurisdiction Pursuant to 12(b)(1) of the Federal Rules of Civil Procedure" (Doc. 59) is construed as a motion to vacate, set aside, or reduce sentence under 28 U.S.C. § 2255 and is DISMISSED *sua sponte* without prejudice to Petitioner filing a corrected motion on the proper § 2255 forms.

Finding neither a substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, a certificate of appealability is DENIED.

/s/ Thomas D. Schroeder  
United States District Judge

December 7, 2018